

Apr-11-05 04:36pm From-Intellectual Property Department

610-655-3542

T-747 P.002/010 P-801

Atty Dkt No: PP01468.103
USSN: 09/187,661
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

SHIRLEY et al.

Confirmation No.: 3329

Serial No.: 09/187,661

Art Unit: 1653

Filing Date: November 6, 1998

Examiner: C. M. Kam

Title: NOVEL IGF-1 COMPOSITION AND ITS USE

TERMINAL DISCLAIMER

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Chiron Corporation, hereinafter "Assignee", a Delaware corporation, having an address at 4560 Horton Street, Emeryville, California 94662-8097, is the owner of the entire right, title and interest in and to application U.S. Serial No. 09/187,661, filed November 6, 1998, by virtue of an assignment recorded January 29, 1999 at Reel 9740, Frame 0270 and is also the owner of the entire right, title and interest in and to U.S. Patent No. 6,767,892, filed November 6, 1998, by virtue of an assignment recorded February 1, 1999 at Reel 9733, Frame 0124.

In accordance with 37 C.F.R. §3.73(b), Assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of Assignee's knowledge and belief, title is in the assignee seeking to take this action.

The assignee hereby disclaims the terminal part of any patent granted on the above-captioned application Serial No. 09/187,661 which would extend beyond the expiration date of U.S. Patent No. 6,767,892, except as provided below, and agrees that any patent granted on the

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above-captioned application 09/187,661 will be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,767,892, this agreement to run with any patent granted on the above-captioned application Serial No. 09/187,661 and to be binding upon the grantee, its successors or assigns.

In making this disclaimer, the assignee does not disclaim any terminal part of any patent granted on the above-identified application Serial No. 09/187,661 that would extend to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,767,892 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment to Deposit Account No. 18-1648.

Executed at Emeryville, California USA.

CHIRON CORPORATION

By: T. Helen Payne
T. Helen Payne
Title: Assistant Secretary
Date: April 11, 2005